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SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA

Fourth periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993

Mostar: the cause for concern

1. By August 1993 civilians in the eastern sector of Mostar were entering their second month of blockade by Bosnian Croat forces. The fate of all civilians in the city was cause for great concern, following reports of mass arrests, forced labour, evictions and rape carried out in the name of "ethnic cleansing" earlier in the year.

2. On 18 August 1993 the Special Rapporteur expressed his alarm about the situation in a letter to Mr. Mate Boban, the representative of Bosnian Croats at the International Conference on the Former Yugoslavia, pressing him to allow immediate and unimpeded access to Mostar by humanitarian agencies and also by his own human rights field officers. He later received a reply from Mr. Boban and access for the field staff was granted.

3. On the same day, the Special Rapporteur wrote to Mr. Thorvald Stoltenberg, the Special Representative of the Secretary-General for the Former Yugoslavia and Co-Chairman of the International Conference on the Former Yugoslavia, urging the United Nations, under Mr. Stoltenberg's leadership, to exert pressure on the Croatian Community of Herzeg-Bosna to open up access to the city.

4. On 25 August 1993 two field officers of the Special Rapporteur were in the first United Nations High Commissioner for Refugees (UNHCR) convoy since the end of June to enter the east bank of Mostar. The information they gathered is based on nine days of on-site investigations and interviews which they conducted in the city and surrounding towns of Medjugorje, Citluk, Capljina and Pocitelj.

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5. The Special Rapporteur wishes to thank United Nations Protection Forces (UNPROFOR) and UNHCR for their cooperation, without which access to the eastern section of Mostar would have been impossible. He wishes also to express his respect for the professionalism and courage of the international relief workers who succeeded in bringing aid to civilians in need in the city.

6. Information which his field staff collected on the "ethnic cleansing" of Muslims by Bosnian Croat forces in other areas of western Herzegovina will appear in a future report, along with material on Croat victims of "ethnic cleansing" by forces of the Government of Bosnia and Herzegovina in central Bosnia.

The first stages of "ethnic cleansing" in Mostar

7. Mostar lies in western Herzegovina, straddling the banks of the Neretva river. Until 1991 it was a multi-ethnic city with the highest rate of inter-marriage in the then Federal Republic of Yugoslavia. The census of that year recorded a population that was 35 per cent Muslim, 34 per cent Croat and 19 per cent Serb, living intermingled on both sides of the river.

8. After hostilities broke out in Bosnia and Herzegovina in 1992, a significant number of Bosnian Serbs moved out of Mostar. Many of them were said to be members of the former Yugoslav National Army (JNA), who had reportedly been harassed or evicted from their homes at gunpoint by the local authorities. Their place was taken by an influx of around 16,000 Bosnian Muslims, fleeing from fighting in other parts of the republic.

9. In April 1993 the tension, which had been growing between the Croat and Muslim populations in Mostar, came to a head when fighting broke out in central Bosnia between forces of Bosnian Croats (HVO) and the Government of Bosnia and Herzegovina. For several months the city, which dominates all communication routes between central Bosnia and the coast of Croatia, has been the scene of a bitter struggle for control between the warring parties.

10. Since early 1993 the Special Rapporteur has received reports that Bosnian Muslims were being systematically dismissed from their jobs in Mostar. On 15 April 1993 the city authorities adopted Statute No. 266/93, which severely curtailed the provision of humanitarian assistance to people seeking refuge in the city. It promised identity cards, on a temporary basis only, to minors and adults of pensionable age who had come from occupied areas of Bosnia and Herzegovina and were not occupying abandoned flats in Mostar. All other categories of displaced persons were to be deprived of humanitarian assistance and obliged to return to their home districts or move into collective centres. An estimated 10,000 of the Muslims who had fled to Mostar were in this way disqualified from assistance. According to local humanitarian organizations, Bosnian Muslims living in abandoned flats received a deadline from HVO forces to leave by 9 May 1993.

11. Numerous Muslims who fled the city around that time later told international observers that they had been forced to leave under threat of death by HVO forces, their houses had been burned down, and mosques and other historical Muslim sites in the area had been damaged or destroyed.

The acceleration of "ethnic cleansing" in the city

12. In June 1993 there began a systematic and bloody division of the city along ethnic lines. On 14 and 15 June alone several thousand Muslims are reported to have been expelled from their homes in western Mostar and forced across the bridge, under a hail of gunfire from HVO soldiers, to the eastern part of the city which is under the control of the Government. The head of UNHCR in Mostar sent a formal letter of protest about this incident to Mr. Mate Boban. However, the forcible evictions and transfers of the population are said to be continuing. The Special Rapporteur's field staff learned, for instance, that on 23 August 1993 HVO soldiers had opened fire on two families of civilians they were forcing across the bridge, killing one man in front of his wife.

13. Eye-witnesses to some of the evictions in June 1993 report that HVO soldiers surrounded apartment buildings, shot off machine guns, and went from flat to flat, shouting that they were searching for "Balije" (a derogatory term for Muslims). Muslim residents were rounded up and their personal papers - including authorizations for their apartments - were burned in the street. The soldiers also reportedly burned any medication they found, including the insulin of a diabetic. After the evictions, the soldiers replaced the name cards on the doors of the empty flats with their own names. They reportedly told neighbours that the apartments were being cleared for Bosnian Croat refugees from Travnik. Croats in Mostar who have tried to protect their Muslim neighbours are also reported to have been evicted and forced into the eastern sector of the city.

14. In the course of the so-called "ethnic cleansing", women are said to have been raped by soldiers from both armies in the conflict. A Bosnian Muslim refugee from Mostar, for instance, told international observers that in mid-July 1993, after she and her Croat husband had hidden Muslim neighbours in their apartment and helped them to escape from the city, uniformed HVO soldiers forced their way into her home and raped her while her children slept in the next room. In August 1993 the Special Rapporteur's field staff received testimony from a Bosnian Croat woman who alleged that she had been raped by a group of Bosnian Muslim paramilitaries in the east of the city. Because access to Mostar itself is still limited and the refugee population has dispersed, it is not yet possible to determine the scale of sexual abuse which may have taken place.

15. In early July 1993 United Nations peace-keeping forces and international relief agencies were forced out of Mostar under threat of attack by HVO forces. The efforts of relief agencies to get back into the city were blocked by the Bosnian Croat authorities.

Arbitrary arrests and detentions

16. The forced evictions in Mostar were accompanied by the arrest of Muslim men on a massive scale, both inside the city and in the surrounding areas of western Herzegovina. Most of those arrested are reported to have been men of fighting age, although some young boys and elderly men over 60 are also said to have been detained by HVO forces.

17. According to the figures currently available from eye-witness sources and international humanitarian agencies, up to 10,000 men have been arrested in Mostar since May 1993; 4,000 in Capljina since July 1993; several hundred more in Stolac, also in July 1993; and 92 in Gradska on 15 August 1993. HVO authorities told the Special Rapporteur's field officers that the arrests had been carried out for "security" reasons and admitted that due process had not been observed. From the information available to the Special Rapporteur it appears that only a small number of these detainees were prisoners of war. Most appear to have been arrested because they were suspected of hostility to the HVO, or to provide a pool of prisoners to exchange for Bosnian Croats held as prisoners of war, or for use on the front-line as forced labour, or "human shields" to protect the army's advance.

18. The information blackout which descended on Mostar after international observers were forced to withdraw in July has made it difficult to trace the whereabouts of all the detainees. In addition, refugee testimony suggests that HVO authorities constantly moved detainees from camp to camp, to cover up traces of their whereabouts.

19. The main detention centres are believed to be the Rodoc helidrome south of Mostar; a former JNA ammunition warehouse in Gabela, south of Capljina; and former JNA warehouses at Dretelj, north of Capljina. Other smaller detention centres are suspected to be at Otoci, Grabovina, Mostar, Capljina, Ljubuski and Trebizat. The International Committee of the Red Cross (ICRC) was granted access to the Rodoc helidrome in mid-July and to the warehouse at Gabela on 30 August 1993, where it has since stated that it registered around 1,100

prisoners. At the time of preparing this report, the ICRC is still seeking access to the other suspected places of detention.

20. The picture of conditions inside these places of detention is still not complete, but the testimony of former detainees who were prepared to speak to international observers suggests they are brutal and degrading. One former detainee told the Special Rapporteur's field staff that between 2,000 and 3,000 men were held in the two hangars at Gabela at any one time. The daily food ration consisted of 650 grams of bread, to be shared between 16 prisoners, and a bowl of thin soup. On some occasions they received no food for two or three days consecutively, apparently at times when HVO forces had suffered defeats in areas of central Bosnia. The hangars were almost hermetically sealed, and during the summer months prisoners feared they would suffocate. Guards threatened to spray the hangar walls with heavy-calibre machine-gun fire if they knocked to ask for air.

21. Reports from Dretelj, as yet unconfirmed, suggest that some detainees may have died of dehydration in the heat of the tin-roofed underground hangar. According to testimony given to the Special Rapporteur's field staff by one former detainee, guards at Dretelj on one occasion sprayed the ceiling of the hangar with machine-gun fire, wounding three prisoners. On his release the detainee claimed that his family did not recognize him.

22. The Special Rapporteur is concerned by reports that detainees from Mostar and western Herzegovina, like detainees in other parts of the republic, have been forced to do dangerous work on the front-lines. Bosnian Muslim prisoners in Rodoc helidrome, for instance, were taken by HVO forces for periods of up to 10 days to reinforce trenches on the front-line, where some of them were reportedly killed.

23. There are also reports, which the Special Rapporteur is trying to confirm, that Bosnian government forces have arrested an unknown number of Croat and Serb civilians. They are allegedly detained in a military institute at Vrapcici, north of Mostar, and some are said to have been used on the front-line to dig trenches and fill sandbags, or to cover the army's advance as "human shields". The Special Rapporteur's field staff was told that a detainee of Serb origin had been killed in August 1993 on the bridge by a sniper after he had been forced by his guards to run for water. His body was photographed by an international observer shortly after the incident.

24. The Special Rapporteur's field staff also received information from eye-witnesses and international observers in the area which strongly suggests that regular army units of the Republic of Croatia have helped HVO forces in conducting the war in western Herzegovina.

Civilians as targets of military attack

25. The eastern sector of Mostar is now largely occupied by Bosnian Muslim civilians (many of them moved there by force) and some remaining residents of Croat and Serb origin. The Special Rapporteur's field officers found conditions of appalling devastation and deprivation.

26. Since early May 1993 the east bank of Mostar is reported to have been subjected to constant shelling and sniping from HVO positions on the west bank of the city. Governmental sources claim that between 200 and 400 shells have impacted on average every day, destroying around 50 per cent of the buildings and 90 per cent of the private housing. They also allege that on 24 August 1993 HVO forces dropped mortar grenades on the east bank of the city from two crop-duster aeroplanes. Shortly before the Special Rapporteur's field officers arrived in August 1993 two shells had damaged the top floor of the improvised hospital in the district, destroying medical supplies and making the third floor of the building unusable. A warehouse used for storing relief had also been the object of a direct hit. Massive devastation is visible everywhere, although some of it was apparently caused by Bosnian Serb shelling in 1992.

27. Shortages of food and medical supplies are a major problem on the east bank. The UNHCR convoy, carrying 200 tons of aid, was the first relief to reach the area for more than two months. On their arrival, international relief workers who assessed the situation feared that deaths through starvation were an imminent possibility. The Special Rapporteur learned that HVO forces have deliberately hindered the delivery of humanitarian aid to civilians in Mostar. It has been reported, for instance, that a UNHCR vehicle was confiscated at gunpoint by HVO forces on 22 August 1993. When UNHCR staff lodged a complaint, the local police were reluctant to respond. In the course of their discussions an unidentified man in civilian clothing fired a shot into the air from within the police car.

28. The western sector of Mostar is occupied mostly by Bosnian Croat civilians, although an unknown number of Bosnian Muslims are still living in the area. Constant sniping from government positions on the east bank of the river poses a daily threat to the civilian population. According to doctors at the Bijeli Brijeg hospital, 30 per cent of the patients they treat are civilians who have been hit by sniper fire and a high proportion of them are Muslims. The Special Rapporteur's field staff were able to talk with two Muslim patients who had been wounded by snipers.

29. On both sides of the river civilians have been affected by a drastic water shortage, as the two main pumping stations supplying the city have been the objects of military attack since 1992. Sniper fire from both sides has made complete repairs of the pumping stations impossible. On the west bank, civilians are able to get water from a number of hand pumps in the street, but for civilians on the east bank there is only one source for water, and they are obliged to risk sniper fire while crossing the bridge to reach it. During the mission of the Special Rapporteur's field staff, at least three people were reported to have been shot dead while doing so.

Conclusions

30. The Special Rapporteur repeats once again that the practices described above deserve the strongest possible condemnation. In times of war civilian populations should remain under the protection of international law.

31. All States parties to the Geneva Conventions are under the obligation to act, individually or collectively, to restore respect for international humanitarian law in situations where warring parties deliberately violate certain of its provisions or are unable to ensure respect for it. The Special Rapporteur calls on the international community to fulfil its obligation in this respect.

32. The policy of impeding humanitarian aid by any party to the conflict is to be deplored. This violates international law on the conduct of war.

33. The Special Rapporteur demands that immediate, unimpeded access to Mostar be guaranteed and that medical services be restored, including, if possible, by airlifts.

34. All detainees should be released immediately with guarantees for their safe return home under international protection.

35. The Special Rapporteur repeats once again that sniping at civilians to kill or wound those taking no part in hostilities constitutes a war crime. Snipers should therefore be among those tried and sentenced for grave breaches of humanitarian law.

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